



April 3, 2009

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## ENGROSSED SENATE BILL No. 576

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DIGEST OF SB 576 (Updated March 31, 2009 3:58 pm - DI 107)

**Citations Affected:** IC 28-7.

**Synopsis:** Pawnbrokers. Requires a pawnbroker to return immediately a stolen item to an individual who alleges that the item was stolen from the individual if the individual: (1) presents the pawnbroker with a police report demonstrating that the item has been stolen; (2) presents the pawnbroker with a receipt that specifically identifies the stolen item by serial number; and (3) agrees to prosecute and appear as a witness against the person who pledged or sold the stolen item. Provides that a pawnbroker who returns a stolen item to its owner has a cause of action against the person who sold or pledged the item. Makes conforming amendments.

**Effective:** July 1, 2009.

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**Taylor, Head, Young R**  
(HOUSE SPONSORS — PORTER, PRYOR, SULLIVAN)

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January 20, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

February 12, 2009, amended, reported favorably — Do Pass.

February 17, 2009, read second time, amended, ordered engrossed.

February 18, 2009, engrossed.

February 23, 2009, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2009, read first time and referred to Committee on Judiciary.

April 2, 2009, reported — Do Pass.

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ES 576—LS 7442/DI 106+



April 3, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 576

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 28-7-5-34 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 34. A pawnbroker shall  
3 not be required to deliver a pledge except:

4 (1) upon surrender of the ticket, unless the ticket ~~be~~ is impounded  
5 or its negotiation enjoined by a court; or

6 (2) **in accordance with section 40 of this chapter.**

7 SECTION 2. IC 28-7-5-40 IS ADDED TO THE INDIANA CODE  
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9 1, 2009]: Sec. 40. (a) **A pawnbroker immediately shall return an  
10 item to an individual who alleges that the item was stolen from the  
11 individual if the individual:**

12 (1) **presents the pawnbroker with a police report  
13 demonstrating that the item has been stolen;**

14 (2) **presents the pawnbroker with a receipt that specifically  
15 identifies the stolen item by serial number; and**

16 (3) **agrees to prosecute and appear as a witness against the  
17 person who sold or pledged the stolen item.**

ES 576—LS 7442/DI 106+



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1       (b) If a pawnbroker returns a stolen item to an individual under  
2 subsection (a), the pawnbroker may bring a cause of action in any  
3 court with jurisdiction against the person who sold or pledged the  
4 stolen item. If the pawnbroker prevails, the pawnbroker is entitled  
5 to reasonable attorney's fees in addition to damages, including the  
6 amount paid for the stolen item and any interest that has accrued.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 576, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 14, delete "presents the pawnbroker with:" and insert ":",

Page 2, line 15, after "(1)" insert "**presents the pawnbroker with**".

Page 2, line 16, delete "and".

Page 2, line 17, after "(2)" insert "**presents the pawnbroker with**".

Page 2, line 17, after "that" insert "**specifically**".

Page 2, line 17, delete "." and insert "**by serial number; and**

**(3) agrees to prosecute and appear as a witness against the person who sold or pledged the stolen item.**".

and when so amended that said bill do pass.

(Reference is to SB 576 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 7, Nays 4.

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 SENATE MOTION

Madam President: I move that Senate Bill 576 be amended to read as follows:

Page 1, delete lines 7 through 17.

Page 2, delete lines 1 through 9.

Page 2, delete lines 21 through 24.

Page 2, line 25, delete "(c)" and insert "**(b)**".

Re-number all SECTIONS consecutively.

(Reference is to SB 576 as printed February 13, 2009.)

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 576, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LAWSON L, Chair

Committee Vote: yeas 7, nays 0.

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ES 576—LS 7442/DI 106+

